

Remarks

Reconsideration of the present patent application, in view of the remarks below, is respectfully requested.

Substantively, of previous pending claims 1-31, all were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. 2004/0205239, filed September 26, 2003 by B.T. Doshi *et al.* Dependent claims 18, 21, 26 and 29 were also rejected under 35 U.S.C. 103(a) for obviousness over the Doshi reference and U.S. Patent Application Publication No. 2002/0181490, filed June 4, 2001 by M. Frannhagen *et al.*

In the previous Amendment B, the applicant made arguments why the rejections of applicant' independent claims 1-31 should not stand. In response to these arguments, the Examiner stated:

Applicant's arguments filed on January 29, 2008 have been fully considered but they are not persuasive. Applicant has argued that the "at least one protected link" is protected without the creation of a primary circuit path. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the link is protected without the creation of a primary circuit path) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Additionally, applicant has conceded that the Doshi reference (paragraph 62, lines 1-14) teaches "the first protected link is included in a protectable segment of a primary circuit path".

With due respect, the applicant believes that the Examiner did not understand the points the applicant were making. The Examiner's response makes two assertions: 1) That the applicant' claims require extra limitations. "It is noted that the features upon which applicant relies (i.e., the link is protected without the creation of a primary circuit path," are not recited in the rejected claim(s)." 2) That applicant "conceded that the Doshi reference (paragraph 62, lines 1-14) teaches 'the first protected link is included in a protectable segment of a primary circuit path'". Neither of these assertions is correct.

First, the applicant is using the term, “protected,” in the claim phase, “at least one protected link,” as it is commonly used in English. That is, the action or function has occurred in the past. The point of the applicant's argument of “a protected link without the creation of a primary circuit path” was to point out the Examiner's inclination to call a “to-be-protected” link, a “protected” link. There is a difference. Hence the applicant is relying upon simple and common English usage.

Secondly, the applicant did not concede that the paragraph 62, lines 1-14 teaches, “the first protected link is included in a protectable segment of a primary circuit path.” The applicant was stating his understanding of the Examiner's position and then his rebuttal of that position. Hence the word, “apparently,” was used in the applicant' statement, “Secondly, the previous claim language, ‘the primary circuit path is arranged to include at least one protected link in a protectable segment of the primary circuit path,’ and now reading, ‘the first set of computer-executable instructions is arranged to include the first protected link in a protectable segment of the primary circuit path,’ is *apparently* found in paragraph 62, lines 1-14 (applicant' italics).”

Therefore the points the applicant made in Amendment B remain unaddressed. The applicant respectfully request that the Examiner consider the applicant' arguments again. If the Examiner is confused on any point, the undersigned would be happy to discuss it in a telephone conference.

In view of the remarks above, the applicant believes all claims now pending in this application are in condition for allowance. The applicant respectfully requests that the rejections be withdrawn, that claims 1-31 be allowed and the case be passed to issue. If a telephone conference would expedite prosecution of this application in any way, the Examiner is asked to call the undersigned at (408) 868-4088.

Respectfully submitted,

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